

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 8566 of 1994

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be
allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the
fair copy of the judgment ?

4 Whether this case involves a substantial
question of law as to the interpretation of
the constitution of India, 1950 or any
order made thereunder ?

5 Whether it is to be circulated to the
civil judge ?

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ISGHANCHI - Petitioner(s)
Versus
GUJARAT STATE ROAD TRANSPORT CORPORATION & 2 -
Respondent(s)

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Appearance :

MR MUKESH H RATHOD for Petitioner No(s).: 1.

MR HARDIK C RAWAL for Respondent No(s).: 1,2.

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CORAM :HON'BLE MR JUSTICE KS JHAVERI

Date : 05/07/2005

ORAL JUDGMENT

1.0 The petitioner has challenged the order dated 21.04.1993 passed by the Industrial Tribunal, Ahmedabad, in

Reference (IT) No.557 of 1989, whereby the annual increments of the petitioner were withheld for a period of one year with cumulative effect.

2.0 The petitioner is working as a Conductor with the respondent Corporation. On 07.08.1984, while the petitioner was on duty, the bus was checked by the checking squad of the respondent. Charge-sheet was issued to the petitioner. Since the charges against the petitioner were proved, the competent authority of the respondent, by order dated 01.05.1985 reduced the pay of the petitioner by three stages. Appeal was preferred by the petitioner before the First Appellate Authority who by order dated 11.07.1986 dismissed the said appeal. Thereafter, the petitioner preferred Second Appeal, wherein the penalty was reduced by one stage by the Second Appellate Authority of the respondent.

2.1 In spite of the above order, the petitioner raised an industrial dispute, which ultimately, came to be referred to the Industrial Tribunal. The Industrial Tribunal, by impugned order, modified the said order as aforesaid. Hence, this petition.

3.0 I have heard learned counsel for the parties and perused the documents placed on record. The Tribunal in its impugned order has given cogent reasons while reducing the penalty imposed by the respondent authorities. Since the penalty imposed by the competent authority of the respondent Corporation has been substantially reduced by

the Second Appellate Authority and the Industrial Tribunal, I am not inclined to interfere in this petition. Moreover, looking to the conduct of the petitioner, I am of the opinion that the penalty imposed by the Tribunal is just and proper. I am in complete agreement with the reasonings given by the Tribunal in its order and find no reason to interfere in this petition.

4.0 In above view of the matter, this petition is dismissed. The impugned order of the Industrial Tribunal is confirmed. Rule is discharged with no order as to costs.

(K. S. JHAVERI, J.)

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